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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,565	12/21/2001	Andrew Mark Stringer	717901.20	3948
27128	7590	12/20/2005	EXAMINER	
BLACKWELL SANDERS PEPPER MARTIN LLP			NEURAUTER, GEORGE C	
720 OLIVE STREET				
SUITE 2400			ART UNIT	PAPER NUMBER
ST. LOUIS, MO 63101			2143	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,565	STRINGER, ANDREW MARK	
	Examiner George C. Neurauter, Jr.	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-9 and 12-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

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DETAILED ACTION

Claims 1, 3-9, and 12-15 are currently presented and have been examined.

Response to Arguments

Applicant's arguments filed 23 September 2005 have been fully considered but they are not persuasive.

The Applicant argues that the prior art does not teach and actually teaches away from having a data field containing a commercial value and wherein a router updates the commercial value. The Examiner is not persuaded by these remarks. As shown in Naik, the prior art does teach wherein a router updates a value within a data header (pages 38 and 39, specifically "Effectively, this [The Time to Live (TTL) field] is used as a counter indicating the number of nodes (host computers, routers, and so forth) that a packet has visited - that is, a hop count. Each node decrements the count..."). In view of the broadest reasonable interpretation of the claim as required by MPEP 2111, the claim simply requires that the router add a value that is commercial in nature such as a monetary number. As previously shown by the Examiner, the updating of any value including monetary numbers *per se* is well within the level of skill of one of ordinary skill in the art, including methods that are both mechanical and mental in nature such as addition and subtraction

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as is well known in the mathematics art. Since the claim does not require that the commercial value has any functional relationship with any elements within the claim and the prior art clearly teaches updating a value in a packet header at each router within a network system as shown above and suggests that any value may be placed within a data header, the nominal recitation of updating a numerical value with a packet header would have been obvious to one of ordinary skill in the art.

Therefore, the claims are not in condition for allowance.

The Examiner also cites the prior art that is cited in this and previous Office Actions as evidence regarding the obviousness of incrementing a value in a data header and as is generally known in the art and network payment systems in general. Specifically, the Applicant is directed to the "RFC 1598" and "General Packet Radio Service" references, which disclose the protocols X.25 and GPRS which contain systems able to charge customers "per packet" or based on distance the packet travels. Such charging systems are well known in the packet switching art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-6 and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Internet Standards and Protocols" to Naik.

Regarding claim 1, Naik discloses a method of electronic payment for data transferred across a computer network containing at least one client, at least one server and at least one router which forwards data, the method comprising the steps of sending an electronic data request from a client to a server via one or more routers; sending electronic data in the form of packets (page 35, specifically "Each individual host computer and router must have a unique address so that data packets can

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sent to and from that device.") from said server to said client via one or more routers in response to said electronic data request; whereby the operation of the server is governed by a server protocol which causes the electronic data sent from the server to have associated with it a data field ("header") containing a value; and whereby each of said one or more routers has a router protocol which causes each router to forward a data packet in accordance with a routing table and to update the value contained in the data field to reflect a corresponding added value. (page 35, specifically "The Internet consists of a number of host computers, as well as devices called routers. Several host computers are connected to form networks, with some of the networks forming islands. The islands of networks are connected by the routers."); page 37, specifically "An IP datagram of an IP header followed by data that is often called the payload."; pages 206 and 207, specifically "HTTP is the main method that Web protocols use to transfer data between and server and a client...HTTP is a client/server protocol the uses a request/response model. An HTTP client, or user agent (often a Web browser), connects to an HTTP server by using a URL and requests a resource...") (pages 38 and 39, specifically "Effectively, this [The Time to Live (TTL) field] is used as a counter indicating the number of nodes (host computers, routers,

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and so forth) that a packet has visited - that is, a hop count.
Each node decrements the count...")

Naik does not expressly disclose wherein the data field contains a value which represents a commercial value of the electronic data; however, Naik does disclose wherein the electronic data contains a plurality of data fields ("header"; pages 37-40) and suggests that any data may be placed within a data field (page 39, specifically "The Options field is of variable length and might be absent...An option class that consists of 2 bits...Values 1 and 3 are reserved.")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Naik to include a commercial value within a data field since Naik suggests that any optional value may be placed within a data field. Based on this suggestion, one of ordinary skill would have considered placing a commercial value into a data field would have been obvious. Therefore, it would have been obvious to achieve the limitations as described in the claim.

Regarding claim 3, Naik discloses the method according to Claim 1, wherein each of said one or more routers receives an incoming data packet, containing electronic data and a data field associated with the electronic data in the incoming data packet, reads the value in the data field, calculates a new

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value based on the read value and the cost of forwarding the packet, and forwards the data packet with the new value in the associated data field. (pages 38 and 39, specifically "Effectively, this [The Time to Live (TTL) field] is used as a counter indicating the number of nodes (host computers, routers, and so forth) that a packet has visited - that is, a hop count. Each node decrements the count...")

Regarding claim 4, Naik discloses the method according to Claim 3, wherein each of said one or more routers checks whether the value in the data field associated with the electronic data in the incoming data packet falls within predefined parameters and rejects the packet if the value falls outside the predefined parameters. (pages 38 and 39, specifically "Each node decrements the count, and a packet is discarded when the counter hits 0.")

Claim 5 is rejected since claim 5 recites the same limitations as recited in claim 1.

Regarding claim 6, Naik discloses the method according to Claim 1, wherein total accumulated values for transactions between routers or between routers and servers/clients are recorded. (pages 38 and 39, specifically "Effectively, this [The Time to Live (TTL) field] is used as a counter indicating the number of nodes (host computers, routers, and so forth) that a

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packet has visited - that is, a hop count. Each node decrements the count...")

Claims 8 and 9 are also rejected since claim 8 recites a system that contains substantially the same limitations as recited in claims 1 and 3 in combination and claim 9 recites a system as recited in claim 4.

Claims 12-13 are also rejected since claims 10-13 recite a method that contain substantially the same limitations as recited in claims 3-4 respectively.

Regarding claim 14, Naik discloses a method according to claim 1, in which the requested data is sent from said server to said client in the form of a packet, wherein said packet comprises a packet header, the packet data containing the requested data, and the packet header containing one or more address fields containing address information relating to the client and/or server and a data field. (page 35, specifically "The Internet consists of a number of host computers, as well as devices called routers. Several host computers are connected to form networks, with some of the networks forming islands. The islands of networks are connected by the routers."); page 37, specifically "Source IP Address", "Destination IP address", and the text "An IP datagram of an IP header followed by data that is often called the payload."; pages 206 and 207, specifically

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"HTTP is the main method that Web protocols use to transfer data between and server and a client...HTTP is a client/server protocol the uses a request/response model. An HTTP client, or user agent (often a Web browser), connects to an HTTP server by using a URL and requests a resource...")

Naik does not expressly disclose wherein the data field contains a value which represents a commercial value of the electronic data.

Claim 14 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 14.

Claim 15 is rejected since claim 15 recites a method that contains substantially the same limitations as recited in claim 3.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naik as applied to claim 6 above, and further in view of US Patent 6 338 046 to Saari et al.

Regarding claim 7, Naik discloses the method according to Claim 6.

Naik does not disclose wherein clearance payments are made between the operators and/or users of the routers and servers/clients, the clearance payments corresponding to the total accumulated values, however, Saari does disclose these

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limitations (column 5, line 34-column 6, line 35, specifically column 5, lines 47-49 and column 6, lines 24-29)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references since Saari discloses that using a data field within electronic data to compute payments for network service enables users to be charged based on a specific network provider's routers (column 6, lines 7-17). In view of these specific advantages and that the references are directed to using electronic data and their associated data fields to hold data for the purposes of network system operation, one of ordinary skill would have been motivated to combine these references and would have considered them to be analogous to one another based on their related fields of endeavor.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

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expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

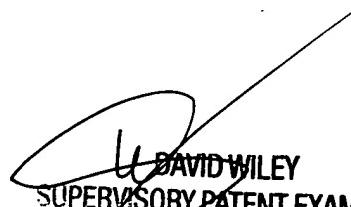
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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